IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 1051 of 2002

DATED: 29.8.2007

Between:

Abdul Shukur petitioner

And

The State of A.P.,
Rep by the Commissioner,
Panchayat Raj and Rural Employment,
Andhra Pradesh, Hyderabad & another Respondents

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ORAL ORDER:

This writ petition is filed questioning the proceedings dated 8.3.1998 passed by the District Collector removing the petitioner from the post of Sarpanch and the proceedings dated 4.7.2001 passed by the Commissioner, Panchayat Raj and Rural Employment confirming the orders dated 8.3.1998 and directing to initiate recovery proceedings against the petitioner herein for the losses caused to Gram Panchayat,
as illegal and unjust.

The petitioner was elected as Sarpanch of Kalakada Gram Panchayat, while so, basing on complaints received against him, a show cause notice 2.12.1997 was issued and thereafter an enquiry was conducted wherein the charges leveled against him were held proved. The District Collector vide proceedings dated 8.3.1998 removed the petitioner from the post of Sarpanch. Aggrieved by the same, he preferred an appeal and the same was dismissed by proceedings dated 4.7.2001 confirming the removal order. Hence, the present writ petition.

Today when the matter is taken up, learned Government Pleader for Panchayat Raj, submitted that the term of the Sarpanch was already over and so far as recovery proceedings are concerned, notice

under section 265 of the Panchayat Raj Act will be issued to the petitioner by the District Collector and after considering his explanation appropriate orders will be passed in accordance with law.

Heard the learned counsel for petitioner and learned Government Pleader for Panchayat Raj.

Concedingly, the term of the petitioner as Sarpanch is over. The petitioner, has filed the writ petition, based on the proceedings of the Commissioner, requesting the District Collector, Chittoor to initiate recovery proceedings against the petitioner for the losses caused to the Gram Panchayat. Admittedly, as on today, there is no recovery proceedings initiated by the District Collector, Chittoor, against the petitioner. In view of the statement made by the learned Government Pleader for Panchayat Raj, that before initiating recovery proceedings, the District Collector would give notice to the petitioner under Section 265 of the Panchayat Raj Act calling for explanation, I deem it appropriate to dispose of the writ petition with the following directions:

The District Collector, Chittoor, before initiating any recovery proceedings in terms of the impugned proceedings of the Commissioner, shall issue notice to the petitioner under Section 265 of the Panchayat Raj, calling upon him to show cause as to why the amounts towards the losses caused to the Gram Panchayat, should not be recovered from him, and after taking into consideration the explanation that may be submitted by the petitioner to the show cause notice, shall pass appropriate orders, in accordance with law.

Accordingly, the writ petition is disposed of. No costs.

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N.V.RAMANA,J

DATE: 29.8.2007
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42

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